

This memorandum was superceded in 2003 by the Thompson memorandum. This memorandum contained the same language regarding the waiver of attorney-client privilege and work-product privileges and also addressed the adverse weight that might be given to a corporation's participation in a joint defense agreement with its officers or employees and its agreement to pay legal fees.

Today, the current Department policies relating to corporate attorney-client privilege and work-product privileges are embodied in the McNulty memorandum, issued in December of last year. While this new memorandum does state that the waiver requests should be the exception rather than the rule, it continues to threaten the viability of attorney-client privilege in business organizations by allowing prosecutors to request a waiver of privilege upon the finding of so-called "legitimate need."

I fully recognize the Department may face hurdles when undertaking investigations and prosecutions of corporate malfeasance. We look at the victims of Enron's collapse, the nearly 10,000 individuals who lost their jobs and pensions, their plans for their future, and know how vital it is for Federal prosecutors to have the tools necessary to prosecute these crimes and hold accountable wrongdoers who profit at the expense of ordinary working men and women. However, I also believe that facilitating and even encouraging such investigations should not come at the expense of vital constitutionally protected rights.

H.R. 3013 therefore prohibits the demanding of constitutionally protected materials as a necessary condition of receiving favorable consideration in decisions relating to prosecution and sentencing. This bill is supported by diverse groups such as the American Bar Association, the Chamber of Commerce, the American Civil Liberties Union, and the Heritage Foundation. That said, Mr. Speaker, I would like to once again thank the bipartisan members of the committee who have joined me in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3013, the Attorney-Client Privilege Protection Act of 2007. H.R. 3013 bars Federal prosecutors from requiring corporations and individuals to waive their attorney-client privilege as a condition of cooperation or for avoiding criminal charges. H.R. 3013 would not prohibit a corporation from voluntarily waiving the attorney-client privilege.

This bill is designed to remedy overreaching by Federal prosecutors. It protects the attorney-client privilege, which is deeply rooted in our jurisprudence and the legal profession. The attorney-client privilege encourages frank and open communication between clients and their attorneys so

that clients can receive effective advice and counsel.

In the corporate context, as we saw in the case of Arthur Andersen, the life of a corporation can turn on a prosecutor's discretionary decision to charge a corporation. That decision can have profound consequences on our economy, the employees and the community; and it should not turn on whether or not a company waives its attorney-client privilege.

Cooperation in the criminal justice system is an important engine of truth. However, prosecutors should not require privileged waivers as a routine matter.

Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I enter into the RECORD a letter from the American Bar Association outlining their support for this legislation.

Mr. Speaker, I would hope that the House would adopt the bill.

AMERICAN BAR ASSOCIATION,

Chicago, IL, November 8, 2007.

Re H.R. 3013, the "Attorney-Client Privilege Protection Act of 2007."

DEAR REPRESENTATIVE: On behalf of the American Bar Association ("ABA") and its more than 415,000 members, I write to express our strong support for H.R. 3013, the "Attorney-Client Privilege Protection Act of 2007." This bipartisan bill, sponsored by Representatives Bobby Scott, John Conyers, Lamar Smith, Randy Forbes, and eight other Members of Congress from both parties, was approved unanimously by the House Judiciary Committee on August 1 and will be considered by the full House next week under suspension of the rules. We urge you to vote in favor of this important legislation.

H.R. 3013 is a comprehensive reform measure designed to roll back a number of harmful federal agency policies that are seriously eroding the attorney-client privilege, the work product doctrine and the constitutional rights of employees. Although all of these federal policies raise concerns, the most problematic is the Department of Justice's policy—set forth in the 2003 "Thompson Memorandum" and 2006 "McNulty Memorandum"—that pressures companies and other organizations to waive their privileges as a condition for receiving cooperation credit, and hence leniency, during investigations. In addition, these federal policies contain separate provisions that violate employees' Sixth Amendment right to counsel and Fifth Amendment right against self-incrimination by pressuring companies to not pay their employees' legal fees during investigations, to fire the employees for not waiving their rights, or to take other punitive actions against them long before any guilt has been established.

Despite the serious concerns raised by congressional leaders, former Justice Department officials, and the legal and business communities, the Department of Justice and other federal agencies have refused to reverse or fundamentally change their harmful privilege waiver or employee rights policies. Although the Department reluctantly issued new cooperation guidelines on December 12, 2006 as part of the McNulty Memorandum, the new policy falls far short of what is needed to prevent further erosion of fundamental attorney-client privilege, work product, and employee legal protections.

As demonstrated by the report that former Delaware Chief Justice Norman Veasey recently sent to congressional leaders, the

McNulty Memorandum has not significantly reduced the incidence of government coerced waiver, and federal prosecutors continue to routinely demand waiver of the privilege during investigations despite the new policy. (The Veasey Report is available at <http://www.abanetorg/poladv/priorities/privilegewaiver/cjveaseyletter.pdf>.) As a result, the Department's new policy continues to seriously weaken the confidential attorney-client relationship between companies and their lawyers, which, in turn, impedes the lawyers' ability to conduct thorough internal investigations and effectively counsel compliance with the law. This harms companies, employees and the investing public as well.

In addition, while the McNulty Memorandum bars prosecutors from requiring companies to not pay their employees' legal fees in some cases, it continues to allow the practice in many instances. The new Department policy and other similar federal policies also continue to deny cooperation credit to companies that assist employees with their legal defenses or decline to fire them for exercising their Fifth Amendment rights. By forcing companies to punish employees long before any guilt has been shown, these federal policies weaken the constitutional presumption of innocence and undermine principles of sound corporate governance.

H.R. 3013 would reverse these harmful policies by prohibiting federal agencies from pressuring companies or other organizations to waive their privileges or take certain unfair punitive actions against their employees as conditions for receiving cooperation credit during investigations. At the same time, however, the bill specifically preserves the ability of prosecutors and other federal officials to obtain the important, non-privileged factual material they need to punish wrongdoers and enforce the law. In our view, H.R. 3013 would strike the proper balance between effective law enforcement and the preservation of essential attorney-client privilege, work product and employee legal protections, and we urge you to support the bill during next week's floor vote.

Thank you for considering the views of the American Bar Association on this subject, which is of such vital importance to our system of justice. If you have any questions regarding the ABA's views or need more information, please ask your staff to contact Larson Frisby of the ABA Governmental Affairs Office at (202) 662-1098.

Sincerely,

WILLIAM H. NEUKOM,  
President.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3013, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SECOND CHANCE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1593) to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to

improve reentry planning and implementation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1593

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Second Chance Act of 2007: Community Safety Through Recidivism Prevention” or the “Second Chance Act of 2007”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Purposes; findings.
- Sec. 4. Definition of Indian tribe.
- Sec. 5. Submission of reports to Congress.
- Sec. 6. Rule of construction.

#### TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

##### Subtitle A—Improvements to Existing Programs

- Sec. 101. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
- Sec. 102. Improvement of the residential substance abuse treatment for State offenders program.
- Sec. 103. Definition of violent offender for drug court grant program.
- Sec. 104. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.

##### Subtitle B—New and Innovative Programs To Improve Offender Reentry Services

- Sec. 111. State, tribal, and local reentry courts.
- Sec. 112. Prosecution drug treatment alternative to prison programs.
- Sec. 113. Grants for family-based substance abuse treatment.
- Sec. 114. Grant to evaluate and improve education at prisons, jails, and juvenile facilities.
- Sec. 115. Technology Careers Training Demonstration Grants.

#### TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

##### Subtitle A—Drug Treatment

- Sec. 201. Offender reentry substance abuse and criminal justice collaboration program.

##### Subtitle B—Mentoring

- Sec. 211. Mentoring grants to nonprofit organizations.
- Sec. 212. Responsible reintegration of offenders.
- Sec. 213. Bureau of prisons policy on mentoring contacts.
- Sec. 214. Bureau of prisons policy on chapel library materials.

##### Subtitle C—Administration of Justice Reforms

#### CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

- Sec. 231. Federal prisoner reentry initiative.
- Sec. 232. Bureau of prisons policy on restraining of female prisoners.

#### CHAPTER 2—REENTRY RESEARCH

- Sec. 241. Offender reentry research.
- Sec. 242. Grants to study parole or post-incarceration supervision violations and revocations.
- Sec. 243. Addressing the needs of children of incarcerated parents.

Sec. 244. Study of effectiveness of depot naltrexone for heroin addiction.

Sec. 245. Authorization of appropriations for research.

#### CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

Sec. 251. Clarification of authority to place prisoner in community corrections.

Sec. 252. Residential drug abuse program in Federal prisons.

Sec. 253. Contracting for services for post-conviction supervision offenders.

#### CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 261. Extension of national prison rape elimination commission.

#### SEC. 3. PURPOSES; FINDINGS.

(a) PURPOSES.—The purposes of the Act are—

(1) to break the cycle of criminal recidivism, increase public safety, and help States, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes;

(2) to rebuild ties between offenders and their families, while the offenders are incarcerated and after reentry into the community, to promote stable families and communities;

(3) to encourage the development and support of, and to expand the availability of, evidence-based programs that enhance public safety and reduce recidivism, such as substance abuse treatment, alternatives to incarceration, and comprehensive reentry services;

(4) to protect the public and promote law-abiding conduct by providing necessary services to offenders, while the offenders are incarcerated and after reentry into the community, in a manner that does not confer luxuries or privileges upon such offenders;

(5) to assist offenders reentering the community from incarceration to establish a self-sustaining and law-abiding life by providing sufficient transitional services for as short of a period as practicable, not to exceed one year, unless a longer period is specifically determined to be necessary by a medical or other appropriate treatment professional; and

(6) to provide offenders in prisons, jails or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community.

(b) FINDINGS.—Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from \$9,000,000,000 in 1982, to \$59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative (SVORI) provided \$139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders.

This Act seeks to build upon the innovative and successful State reentry programs developed under the SVORI, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice statistics report titled “Trends in State Parole, 1990–2000” estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over one-third of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities, manage the publicly funded substance abuse prevention and treatment system of the Nation. Single State Authorities are responsible for planning and implementing statewide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each Single State Authority as the program is planned, implemented, and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

#### SEC. 4. DEFINITION OF INDIAN TRIBE.

In this Act, the term "Indian Tribe" has the meaning given that term in section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791).

#### SEC. 5. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives each report required by the Attorney General under this Act or an amendment made by this Act during the preceding year.

#### SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act or an amendment made by this Act shall be construed as creating a right or entitlement to assistance or services for any individual, program, or grant recipient. Each grant made under this Act or an amendment made by this Act shall—

(1) be made as competitive grants to eligible entities for a 12-month period, except that grants awarded under section 113, 201, 211, and 212 may be made for a 24-month period; and

(2) require that services for participants, when necessary and appropriate, be transferred from programs funded under this Act or the amendment made by this Act, respectively, to State and community-based programs not funded under this Act or the amendment made by this Act, respectively, before the expiration of the grant.

### TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

#### Subtitle A—Improvements to Existing Programs

#### SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) providing offenders in prisons, jails, or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community;

"(2) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient and comprehensive residential services and recovery);

"(3) providing coordinated supervision and comprehensive services for offenders upon release from prison, jail, or a juvenile facility, including housing and mental and physical health care to facilitate re-entry into

the community, and which, to the extent applicable, are provided by community-based entities (including coordinated reentry veteran-specific services for eligible veterans);

"(4) providing programs that—

"(A) encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; and

"(B) involve the entire family unit in comprehensive reentry services (as appropriate to the safety, security, and well-being of the family and child);

"(5) encouraging the involvement of prison, jail, or juvenile facility mentors in the reentry process and enabling those mentors to remain in contact with offenders while in custody and after reentry into the community;

"(6) providing victim-appropriate services, encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; and

"(7) protecting communities against dangerous offenders by using validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely."

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity described in subsection (b)."

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

"(d) APPLICATIONS.—A State, unit of local government, territory, or Indian Tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

"(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

"(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

"(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program; and

"(4) describes how the project could be broadly replicated if demonstrated to be effective.

"(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

"(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian Tribe applying for a grant under this section;

"(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring

successful reentry of offenders into their communities;

"(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

"(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

"(5) includes the use of a State, local, territorial, or Tribal task force, described in subsection (i), to carry out the activities funded under the grant.

"(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

"(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

"(2) include—

"(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

"(C) coordination with families of offenders;

"(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

"(A) planning while offenders are in prison, jail, or a juvenile facility, prerelease transition housing, and community release;

"(B) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

"(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

"(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

"(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

"(6) target high-risk offenders for reentry programs through validated assessment tools.

"(g) USES OF GRANT FUNDS.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant in fiscal year 2009.

"(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

"(i) waives, in whole or in part, the requirement of this paragraph; and

"(ii) publishes in the Federal Register the rationale for such waiver.

"(C) IN-KIND CONTRIBUTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the recipient of a grant under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly

related to the purpose for which such grant was awarded.

“(ii) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

“(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

“(h) REENTRY STRATEGIC PLAN.—

“(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) by 50 percent over a 5-year period for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

“(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

“(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

“(i) REENTRY TASK FORCE.—

“(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

“(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders’ time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

“(B) provide the analysis described in subsection (e)(4).

“(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

“(A) relevant State, Tribal, territorial, or local leaders; and

“(B) representatives of relevant—

“(i) agencies;

“(ii) service providers;

“(iii) nonprofit organizations; and

“(iv) stakeholders.

“(j) STRATEGIC PERFORMANCE OUTCOMES.—

“(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

“(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

“(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

“(B) reduction in crime;

“(C) increased employment and education opportunities;

“(D) reduction in violations of conditions of supervised release;

“(E) increased payment of child support;

“(F) increased housing opportunities;

“(G) reduction in drug and alcohol abuse; and

“(H) increased participation in substance abuse and mental health services.

“(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

“(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

“(5) REPORT.—Each grantee under this section shall submit to the Attorney General an annual report that—

“(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

“(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

“(k) PERFORMANCE MEASUREMENT.—

“(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

“(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

“(B) identify sources and methods of data collection in support of performance measurement required under this section;

“(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

“(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

“(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

“(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

“(1) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

“(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

“(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period;

“(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k); and

“(4) the grantee has made adequate progress, as determined by the Attorney General, toward reducing the rate of recidivism by 10 percent over a 2-year period.

“(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

“(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

“(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

“(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

“(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

“(B) collect data and best practices in offender reentry from demonstration grantees and other agencies and organizations;

“(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

“(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

“(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

“(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

“(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

“(H) develop a national reentry research agenda; and

“(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

“(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent of the authorized level shall be available to carry out this subsection.

“(n) ADMINISTRATION.—Of amounts made available to carry out this section—

“(1) not more than 2 percent of the authorized level shall be available for administrative expenses in carrying out this section; and

“(2) not more than 2 percent of the authorized level shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

“(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

“(B) generates evidence on which reentry approaches and strategies are most effective.”.

(d) **GRANT AUTHORIZATION.**—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking “States, Territories” and all that follows through the period at the end and inserting the following: “States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking “\$15,000,000 for fiscal year 2003” and all that follows and inserting “\$55,000,000 for each of fiscal years 2009 and 2010.”; and

(2) by amending paragraph (2) to read as follows:

“(2) **LIMITATION; EQUITABLE DISTRIBUTION.**—

“(A) **LIMITATION.**—Of the amount made available to carry out this section for any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.

“(B) **EQUITABLE DISTRIBUTION.**—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.”.

#### **SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.**

(a) **REQUIREMENT FOR AFTERCARE COMPONENT.**—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(c)), is amended—

(1) by striking the subsection heading and inserting “REQUIREMENT FOR AFTERCARE COMPONENT”; and

(2) by amending paragraph (1) to read as follows:

“(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.”.

(b) **DEFINITION.**—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-3(d)) is amended to read as follows:

“(d) **RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.**—In this part, the term ‘residential substance abuse treatment program’ means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities

set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).”.

(c) **REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.**—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

#### **SEC. 103. DEFINITION OF VIOLENT OFFENDER FOR DRUG COURT GRANT PROGRAM.**

(a) **DEFINITION.**—Section 2953(a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-2(a)(1)) is amended by inserting “that is punishable by a term of imprisonment exceeding one year” after “convicted of an offense”.

(b) **PERIOD FOR COMPLIANCE.**—Notwithstanding Section 2952(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-1(2)), each grantee under part EE of such Act shall have not more than 3 years from the date of the enactment of this Act to adopt the definition of “violent offender” under such part, as amended by subsection (a) of this section.

(c) **REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall revise any regulations or guidelines described in section 2952 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u-1) in accordance with the amendments made by subsection (a). Such regulations shall specify that grant amounts under part EE of such Act shall be reduced for any drug court that does not adopt the definition of “violent offender” under such part, as amended by subsection (a) of this section, within 3 years after such date of enactment.

#### **SEC. 104. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.**

(a) **PERMISSIBLE USES.**—Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking “and” at the end;

(2) in paragraph (3) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) to carry out any activity referred to in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).”.

(b) **USE OF FUNDS APPROPRIATED.**—Section 20108(b)(4) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(b)(4)) is amended by adding at the end the following: “Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may provided in appropriations Acts, for the purpose described in section 20102(a)(4) for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.”.

#### **Subtitle B—New and Innovative Programs To Improve Offender Reentry Services**

#### **SEC. 111. STATE, TRIBAL, AND LOCAL REENTRY COURTS.**

Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3797w et seq.) is amended by adding at the end the following:

#### **“SEC. 2978. STATE, TRIBAL, AND LOCAL REENTRY COURTS.**

“(a) **GRANTS AUTHORIZED.**—The Attorney General may award grants, in accordance with this section, of not more than \$500,000 to—

“(1) State, Tribal, and local courts; and

“(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian Tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

“(b) **USE OF GRANT FUNDS.**—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

“(1) monitor juvenile and adult offenders reentering the community;

“(2) provide juvenile and adult offenders reentering the community with coordinated and comprehensive reentry services and programs such as—

“(A) drug and alcohol testing and assessment for treatment;

“(B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

“(C) substance abuse treatment from a provider that is approved by the State or Indian Tribe, and licensed, if necessary, to provide medical and other health services;

“(D) health (including mental health) services and assessment;

“(E) aftercare and case management services that—

“(i) facilitate access to clinical care and related health services; and

“(ii) coordinate with such clinical care and related health services; and

“(F) any other services needed for reentry;

“(3) convene community impact panels, victim impact panels, or victim impact educational classes;

“(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

“(A) housing assistance;

“(B) education;

“(C) job training;

“(D) conflict resolution skills training;

“(E) batterer intervention programs; and

“(F) other appropriate social services; and

“(5) establish and implement graduated sanctions and incentives.

“(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

“(d) **APPLICATION.**—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

“(1) describes the program to be assisted under this section and the need for such program;

“(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

“(3) identifies the governmental and community agencies that will be coordinated by the project;

“(4) certifies that—

“(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

“(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

“(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

“(5) describes the methodology and outcome measures that will be used to evaluate the program.

“(e) **MATCHING REQUIREMENTS.**—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

“(1) waives, wholly or in part, the matching requirement under this subsection; and

“(2) publicly delineates the rationale for the waiver.

“(f) **ANNUAL REPORT.**—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

“(1) a summary of the activities carried out under the program assisted by the grant;

“(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

“(3) such other information as the Attorney General may require.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2009 and 2010 to carry out this section.

“(2) **LIMITATIONS; EQUITABLE DISTRIBUTION.**—

“(A) **LIMITATIONS.**—Of the amount made available to carry out this section in any fiscal year—

“(i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

“(ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

“(B) **EQUITABLE DISTRIBUTION.**—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.”.

#### **SEC. 112. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.**

(a) **AUTHORIZATION.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

#### **“PART CC—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAM**

##### **“SEC. 2901. GRANT AUTHORITY.**

“(a) **IN GENERAL.**—The Attorney General may make grants to State, Tribal, and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

“(b) **QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.**—For purposes of this part, a qualified drug treatment program is a program—

“(1) that is administered by a State, Tribal, or local prosecutor;

“(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a

comprehensive substance abuse treatment program that is approved by the State or Indian Tribe and licensed, if necessary, to provide medical and other health services;

“(3) that requires an eligible offender to receive the consent of the State, Tribal, or local prosecutor involved to participate in such program;

“(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

“(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

“(6) that requires each substance abuse provider treating an eligible offender under the program to—

“(A) make periodic reports of the progress of the treatment of that offender to the State, Tribal, or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

“(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

“(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State, Tribal, or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

##### **“SEC. 2902. USE OF GRANT FUNDS.**

“(a) **IN GENERAL.**—A State, Tribal, or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

“(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

“(2) Payments for substance abuse treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

“(3) Payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

“(b) **SUPPLEMENT AND NOT SUPPLANT.**—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

##### **“SEC. 2903. APPLICATIONS.**

“To request a grant under this part, a State, Tribal, or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall

contain the certification by the State, Tribal, or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

##### **“SEC. 2904. FEDERAL SHARE.**

“The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

##### **“SEC. 2905. GEOGRAPHIC DISTRIBUTION.**

“The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State, Tribal, or local prosecutors—

“(1) in each State; and

“(2) in rural, suburban, Tribal, and urban jurisdictions.

##### **“SEC. 2906. REPORTS AND EVALUATIONS.**

“For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

##### **“SEC. 2907. DEFINITIONS.**

“In this part:

“(1) **STATE OR LOCAL PROSECUTOR.**—The term ‘State, Tribal, or local prosecutor’ means any district attorney, State attorney general, county attorney, tribal attorney, or corporation counsel who has authority to prosecute criminal offenses under State, Tribal, or local law.

“(2) **ELIGIBLE OFFENDER.**—The term ‘eligible offender’ means an individual who—

“(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

“(B) has never been charged with or convicted of an offense, during the course of which—

“(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

“(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

“(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

“(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

“(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

“(26) There are authorized to be appropriated to carry out part CC \$10,000,000 for each of fiscal years 2009 and 2010.”.

#### **SEC. 113. GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part CC, as added by this Act, the following:



**"PART DD—GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT"****"SEC. 2921. GRANTS AUTHORIZED."**

"The Attorney General may make grants to States, units of local government, territories, and Indian Tribes to—

"(1) develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for non-violent parent drug offenders; and

"(2) to provide prison-based family treatment programs for incarcerated parents of minor children.

**"SEC. 2922. USE OF GRANT FUNDS."**

"Grants made to an entity under section 2921 for a program described in such section may be used for—

"(1) the development, implementation, and expansion of prison-based family treatment programs in correctional facilities for incarcerated parents with minor children (except for any such parent who there is reasonable evidence to believe engaged in domestic violence or child abuse);

"(2) the development, implementation, and expansion of residential substance abuse treatment;

"(3) coordination between appropriate correctional facility representatives and the appropriate governmental agencies;

"(4) payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program; and

"(5) salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

**"SEC. 2923. PROGRAM REQUIREMENTS."**

"(a) IN GENERAL.—A program for which a grant is made under section 2921(1) shall comply with the following requirements:

"(1) The program shall ensure that all providers of substance abuse treatment are approved by the State or Indian Tribe and are licensed, if necessary, to provide medical and other health services.

"(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

"(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

"(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

"(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

"(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

"(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

"(8) The program shall develop and implement a reentry plan for each participant.

"(b) PRISON-BASED PROGRAMS.—A program for which a grant is made under section 2921(2) shall comply with the following requirements:

"(1) The program shall integrate techniques to assess the strengths and needs of

immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

"(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

"(3) The program shall be located in an area separate from the general population of the prison.

**"SEC. 2924. APPLICATIONS."**

"(a) IN GENERAL.—An entity described in section 2921 desiring a grant under this part shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

"(b) CONTENTS.—An application under subsection (a) shall include a description of the methods and measurements the applicant will use for purposes of evaluating the program involved.

**"SEC. 2925. REPORTS."**

"An entity that receives a grant under this part during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

"(1) is based on evidence-based data; and

"(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

**"SEC. 2926. AUTHORIZATION OF APPROPRIATIONS."**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2009 and 2010.

"(b) USE OF AMOUNTS.—Of the amount made available to carry out this part in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.

**"SEC. 2927. DEFINITIONS."**

"In this part:

"(1) NONVIOLENT PARENT DRUG OFFENDER.—The term 'nonviolent parent drug offender' means an offender who is—

"(A) a parent of an individual under 18 years of age; and

"(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

"(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

"(3) PRISON-BASED FAMILY TREATMENT PROGRAM.—The term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training."

**SEC. 114. GRANT TO EVALUATE AND IMPROVE EDUCATION AT PRISONS, JAILS, AND JUVENILE FACILITIES."**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is further amended—

(1) by redesignating part X as part KK; and

(2) by inserting after part II the following:

**"PART JJ—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES"****"SEC. 3001. GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES."**

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant pro-

gram under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

"(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

"(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1); and

"(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities.

"(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

"(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.

**"SEC. 3002. AUTHORIZATION OF APPROPRIATIONS."**

"There are authorized to be appropriated \$5,000,000 to carry out this part for each of fiscal years 2009 and 2010."

**SEC. 115. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS."**

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian Tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for establishing a technology careers training program to train prisoners for technology-based jobs and careers during the 3-year period before release from prison, jail, or a juvenile facility.

(c) CONTROL OF INTERNET ACCESS.—An entity that receives a grant under subsection (a) shall restrict access to the Internet by prisoners, as appropriate, to ensure public safety.

(d) REPORTS.—Not later than the last day of each fiscal year, an entity that receives a grant under subsection (a) during the preceding fiscal year shall submit to the Attorney General a report that describes and assesses the uses of such grant during the preceding fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2009 and 2010.

**TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS****Subtitle A—Drug Treatment****SEC. 201. OFFENDER REENTRY SUBSTANCE ABUSE AND CRIMINAL JUSTICE COLLABORATION PROGRAM."**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may make competitive grants to States, units of local government, territories, and Indian Tribes, in accordance with this section, for the purposes of—

(1) improving the provision of drug treatment to offenders in prisons, jails, and juvenile facilities; and

(2) reducing the use of alcohol and other drugs by long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile

facility, and through the completion of parole or court supervision of such long-term substance abuser.

(b) **USE OF GRANT FUNDS.**—A grant made under subsection (a) may be used—

(1) for continuing and improving drug treatment programs provided at a prison, jail, or juvenile facility;

(2) to develop and implement programs for supervised long-term substance abusers that include alcohol and drug abuse assessments, coordinated and continuous delivery of drug treatment, and case management services;

(3) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services; and

(4) to establish pharmacological drug treatment services as part of any drug treatment program offered by a grantee to offenders who are in a prison or jail.

(c) **APPLICATION.**—

(1) **IN GENERAL.**—An entity described in subsection (a) desiring a grant under that subsection shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(2) **CONTENTS.**—An application for a grant under subsection (a) shall—

(A) identify any agency, organization, or researcher that will be involved in administering a drug treatment program carried out with a grant under subsection (a);

(B) certify that such drug treatment program has been developed in consultation with the Single State Authority for Substance Abuse;

(C) certify that such drug treatment program shall—

(i) be clinically-appropriate; and

(ii) provide comprehensive treatment;

(D) describe how evidence-based strategies have been incorporated into such drug treatment program; and

(E) describe how data will be collected and analyzed to determine the effectiveness of such drug treatment program and describe how randomized trials will be used where practicable.

(d) **REPORTS TO CONGRESS.**—

(1) **INTERIM REPORT.**—Not later than September 30, 2009, the Attorney General shall submit to Congress a report that identifies the best practices relating to—

(A) substance abuse treatment in prisons, jails, and juvenile facilities; and

(B) the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under subsection (b)(3).

(2) **FINAL REPORT.**—Not later than September 30, 2010, the Attorney General shall submit to Congress a report on the drug treatment programs funded under this section, including on the matters specified in paragraph (1).

(e) **DEFINITION OF SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.**—The term “Single State Authority for Substance Abuse” means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2009 and 2010.

(2) **EQUITABLE DISTRIBUTION OF GRANT AMOUNTS.**—Of the amount made available to carry out this section in any fiscal year, the Attorney General shall ensure that grants awarded under this section are equitably distributed among geographical regions and between urban and rural populations, including

Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

### Subtitle B—Mentoring

#### SEC. 211. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) **AUTHORITY TO MAKE GRANTS.**—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations and Indian Tribes for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) **USE OF FUNDS.**—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) **APPLICATION; PRIORITY CONSIDERATION.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, a nonprofit organization or Indian Tribe shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) **PRIORITY CONSIDERATION.**—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) **STRATEGIC PERFORMANCE OUTCOMES.**—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into the community.

(e) **REPORTS.**—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Attorney General to carry out this section \$15,000,000 for each of fiscal years 2009 and 2010.

#### SEC. 212. RESPONSIBLE REINTEGRATION OF OFFENDERS.

(a) **ELIGIBLE OFFENDERS.**—

(1) **IN GENERAL.**—In this section, the term “eligible offender” means an individual who—

(A) is 18 years of age or older;

(B) has been convicted as an adult and imprisoned under Federal or State law;

(C) has never been convicted of a violent or sex-related offense; and

(D) except as provided in paragraph (2), has been released from a prison or jail for not more than 180 days before the date on which the individual begins participating in a grant program carried out under this section.

(2) **EXCEPTION.**—Each grantee under this section may permit not more than 10 percent of the individuals served with a grant under this section to be individuals who—

(A) meet the conditions of subparagraphs (A) through (C) of paragraph (1); and

(B) have been released from a prison or jail for more than 180 days before the date on which the individuals begin participating in the grant program carried out under this section.

(3) **PRIORITY OF SERVICE.**—Grantees shall provide a priority of service in projects funded under this section to individuals meeting the requirements of paragraph (1) who have been released from State correctional facilities.

(b) **AUTHORITY TO MAKE GRANTS.**—The Secretary of Labor may make grants to nonprofit organizations for the purpose of providing mentoring, job training and job placement services, and other comprehensive transitional services to assist eligible offenders in obtaining and retaining employment.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—A grant awarded under this section may be used for—

(A) mentoring eligible offenders, including the provision of support, guidance, and assistance in the community and the workplace to address the challenges faced by such offenders;

(B) providing job training and job placement services to eligible offenders, including work readiness activities, job referrals, basic skills remediation, educational services, occupational skills training, on-the-job training, work experience, and post-placement support, in coordination with the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)), businesses, and educational institutions; and

(C) providing outreach, orientation, intake, assessments, counseling, case management, and other transitional services to eligible offenders, including prerelease outreach and orientation.

(2) **LIMITATIONS.**—

(A) **CERTAIN SERVICES EXCLUDED.**—A grant under this section may not be used to provide substance abuse treatment services, mental health treatment services, or housing services, except that such a grant may be used to coordinate with other programs and entities to arrange for such programs and entities to provide substance abuse treatment services, mental health treatment services, or housing services to eligible offenders.

(B) **ADMINISTRATIVE COST LIMIT.**—Not more than 15 percent of the amounts awarded to a grantee under this section may be used for the costs of administration, as determined by the Secretary of Labor.

(d) **APPLICATION.**—

(1) **IN GENERAL.**—

(A) **APPLICATION REQUIRED.**—A nonprofit organization desiring a grant under this section shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information as the Secretary of Labor may require.

(B) **CONTENTS.**—At a minimum, an application for a grant under this section shall include—

(i) the identification of the eligible area that is to be served and a description of the need for support in such area;

(ii) a description of the mentoring, job training and job placement, and other services to be provided;

(iii) a description of partnerships that have been established with the criminal justice system (including coordination with demonstration projects carried out under section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act,



where applicable), the local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), and housing authorities that will be used to assist in carrying out grant activities under this section; and

(iv) a description of how other Federal, State, local, or private funding will be leveraged to provide support services that are not directly funded under this section, such as mental health and substance abuse treatment and housing.

(2) **ELIGIBLE AREA.**—In this subsection, the term “eligible area” means an area that—

(A) is located within an urbanized area or urban cluster, as determined by the Bureau of the Census in the most recently available census;

(B) has a large number of prisoners returning to the area each year; and

(C) has a high rate of recidivism among prisoners returning to the area.

(e) **PERFORMANCE OUTCOMES.**—

(1) **CORE INDICATORS.**—Each nonprofit organization receiving a grant under this section shall report to the Secretary of Labor on the results of services provided to eligible offenders with that grant with respect to the following indicators of performance:

(A) Rates of recidivism.

(B) Entry into employment.

(C) Retention in employment.

(D) Average earnings.

(2) **ADDITIONAL INDICATORS.**—In addition to the indicators described in paragraph (1), the Secretary of Labor may require a nonprofit organization receiving a grant under this section to report on additional indicators of performance.

(f) **REPORTS.**—Each nonprofit organization receiving a grant under this section shall maintain such records and submit such reports, in such form and containing such information, as the Secretary of Labor may require regarding the activities carried out under this section.

(g) **TECHNICAL ASSISTANCE.**—The Secretary of Labor may reserve not more than 4 percent of the amounts appropriated to carry out this section to provide technical assistance and for management information systems to assist grantees under this section.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Labor to carry out this section \$20,000,000 for each of fiscal years 2009 and 2010.

#### **SEC. 213. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the released offender, incarcerated offenders, persons who provide such services, or any other person.

(b) **REPORT.**—Not later than September 30, 2009, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

#### **SEC. 214. BUREAU OF PRISONS POLICY ON CHAP-EL LIBRARY MATERIALS.**

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall discontinue the Standardized Chapel Library

project, or any other project by whatever designation that seeks to compile, list, or otherwise restrict prisoners' access to reading materials, audiotapes, videotapes, or any other materials made available in a chapel library, except that the Bureau of Prisons may restrict access to—

(1) any materials in a chapel library that seek to incite, promote, or otherwise suggest the commission of violence or criminal activity; and

(2) any other materials prohibited by any other law or regulation.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to impact policies of the Bureau of Prisons related to access by specific prisoners to materials for security, safety, sanitation, or disciplinary reasons.

### **Subtitle C—Administration of Justice Reforms**

#### **CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY**

##### **SEC. 231. FEDERAL PRISONER REENTRY INITIATIVE.**

(a) **IN GENERAL.**—The Attorney General, in coordination with the Director of the Bureau of Prisons, shall, subject to the availability of appropriations, conduct the following activities to establish a Federal prisoner reentry initiative:

(1) The establishment of a Federal prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, including, at a minimum, that the Bureau of Prisons:

(A) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(B) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(C) determine program assignments for prisoners based on the areas of need identified through the assessment described in subparagraph (A);

(D) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(E) coordinate and collaborate with other Federal agencies and with State, Tribal, and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into communities;

(F) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(G) provide incentives for prisoner participation in skills development programs.

(2) Incentives for a prisoner who participates in reentry and skills development programs which may, at the discretion of the Director, include—

(A) the maximum allowable period in a community confinement facility; and

(B) such other incentives as the Director considers appropriate (not including a reduction of the term of imprisonment).

(b) **IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.**—

(1) **OBTAINING IDENTIFICATION.**—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(2) **ASSISTANCE DEVELOPING RELEASE PLAN.**—At the request of a direct-release

prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(3) **DIRECT-RELEASE PRISONER DEFINED.**—In this section, the term “direct-release prisoner” means a prisoner who is scheduled for release and will not be placed in prerelease custody.

(c) **IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.**—The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national, State, and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

(d) **DUTIES OF THE BUREAU OF PRISONS.**—

(1) **DUTIES OF THE BUREAU OF PRISONS EXPANDED.**—Section 4042(a) of title 18, United States Code, is amended—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(D) establish prerelease planning procedures that help prisoners—

“(i) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

“(ii) secure such identification and benefits prior to release, subject to any limitations in law; and

“(E) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

“(i) Health and nutrition.

“(ii) Employment.

“(iii) Literacy and education.

“(iv) Personal finance and consumer skills.

“(v) Community resources.

“(vi) Personal growth and development.

“(vii) Release requirements and procedures.”.

(2) **MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.**—

(A) **CODING REQUIRED.**—The Director shall ensure that each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(B) **TRACKING.**—In carrying out this paragraph, the Director shall quantitatively track the progress in responding to the reentry needs and deficits of individual inmates.

(C) **ANNUAL REPORT.**—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of the Bureau of Prisons in responding to the reentry needs and deficits of inmates.

(D) **EVALUATION.**—The Director shall ensure that—

(i) the performance of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry is measured and evaluated using recognized measurements; and

(ii) plans for corrective action are developed and implemented as necessary.

(3) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(A) ANNUAL REPORT REQUIRED.—

(i) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(ii) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(B) MEASURE USED.—In preparing the reports required by subparagraph (A), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(C) GOALS.—

(i) IN GENERAL.—After the Director submits the first report required by subparagraph (A), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(ii) CONTENTS.—The goals established under clause (i) shall use the relative reductions in recidivism measured for the fiscal year covered by the first report required by subparagraph (A) as a baseline rate, and shall include—

(I) a 5-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 2 percent; and

(II) a 10-year goal to increase, at a minimum, the baseline relative reduction rate of recidivism by 5 percent within 10 fiscal years.

(4) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(5) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

(e) ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.—The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

(f) MEDICAL CARE FOR PRISONERS.—Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

“(g) CONTINUED ACCESS TO MEDICAL CARE.—

“(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons should ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine through partnerships with local health service providers and transition planning.

“(2) DEFINITION.—In this subsection, the term ‘community confinement’ has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.”.

(g) ELDERLY AND FAMILY REUNIFICATION FOR CERTAIN NONVIOLENT OFFENDERS PILOT PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Attorney General shall conduct a pilot program to determine the effectiveness of removing eligible elderly offenders from a Bureau of Prisons facility and placing such offenders on home detention until the expiration of the prison term to which the offender was sentenced.

(B) PLACEMENT IN HOME DETENTION.—In carrying out a pilot program as described in subparagraph (A), the Attorney General may release some or all eligible elderly offenders from the Bureau of Prisons facility to home detention.

(2) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1), or to another appropriate Bureau of Prisons institution, as determined by the Bureau of Prisons.

(3) SCOPE OF PILOT PROGRAM.—A pilot program under paragraph (1) shall be conducted through a Bureau of Prisons facility designated by the Attorney General as appropriate for the pilot program and shall be carried out during fiscal years 2009 and 2010.

(4) IMPLEMENTATION AND EVALUATION.—The Attorney General shall monitor and evaluate each eligible elderly offender placed on home detention under this section, and shall report to Congress concerning the experience with the program at the end of the period described in paragraph (3). The Administrative Office of the United States Courts and the United States probation offices shall provide such assistance and carry out such functions as the Attorney General may request in monitoring, supervising, providing services to, and evaluating eligible elderly offenders released to home detention under this section.

(5) DEFINITIONS.—In this section:

(A) ELIGIBLE ELDERLY OFFENDER.—The term “eligible elderly offender” means an offender in the custody of the Bureau of Prisons who—

(i) is not less than 65 years of age;

(ii) is serving a term of imprisonment that is not life imprisonment based on conviction for an offense or offenses that do not include any crime of violence (as defined in section 16 of title 18, United States Code), sex offense (as defined in section 111(5) of the Sex Offender Registration and Notification Act), offense described in section 2332b(g)(5)(B) of title 18, United States Code, or offense under chapter 37 of title 18, United States Code, and has served the greater of 10 years or 75

percent of the term of imprisonment to which the offender was sentenced;

(iii) has not been convicted in the past of any Federal or State crime of violence, sex offense, or other offense described in clause (ii);

(iv) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence, or of engaging in conduct constituting a sex offense or other offense described in clause (ii);

(v) has not escaped, or attempted to escape, from a Bureau of Prisons institution;

(vi) satisfies the requirements for seeking a reduction of the term of imprisonment under section 3582(c)(1)(A)(i) of title 18, United States Code, as set forth in regulations issued by the Attorney General or the Director of the Bureau of Prisons;

(vii) has been determined by the Bureau of Prisons to be a person whose release to home detention under this section will result in a substantial net reduction of costs to the Federal Government; and

(viii) has been determined by the Bureau of Prisons to be at no substantial risk of engaging in criminal conduct or of endangering any person or the public if released to home detention.

(B) HOME DETENTION.—The term “home detention” has the same meaning given the term in the Federal Sentencing Guidelines as of the date of the enactment of this Act, and includes detention in a nursing home or other residential long-term care facility.

(C) TERM OF IMPRISONMENT.—The term “term of imprisonment” includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(h) FEDERAL REMOTE SATELLITE TRACKING AND REENTRY TRAINING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, may establish the Federal Remote Satellite Tracking and Reentry Training (ReStart) program to promote the effective reentry into the community of high risk individuals.

(2) HIGH RISK INDIVIDUALS.—For purposes of this section, the term “high risk individual” means—

(A) an individual who is under supervised release, with respect to a Federal offense, and who has previously violated the terms of a release granted such individual following a term of imprisonment; or

(B) an individual convicted of a Federal offense who is at a high risk for recidivism, as determined by the Director of the Bureau of Prisons, and who is eligible for early release pursuant to voluntary participation in a program of residential substance abuse treatment under section 3621(e) of title 18, United States Code, or a program described in section 231.

(3) PROGRAM ELEMENTS.—The program authorized under paragraph (1) shall include, with respect to high risk individuals participating in such program, the following core elements:

(A) A system of graduated levels of supervision, that uses, as appropriate and indicated—

(i) satellite tracking, global positioning, remote satellite, and other tracking or monitoring technologies to monitor and supervise such individuals in the community; and

(ii) community corrections facilities and home confinement.

(B) Substance abuse treatment and aftercare related to such treatment, mental and medical health treatment and aftercare related to such treatment, vocational and

educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, and other programs to promote effective reentry into the community as appropriate.

(C) Involvement of the family of such an individual, a victim advocate, and the victim of the offense committed by such an individual, if such involvement is safe for such victim (especially in a domestic violence case).

(D) A methodology, including outcome measures, to evaluate the program.

(E) Notification to the victim of the offense committed by such an individual of the status and nature of such an individual's reentry plan.

(I) AUTHORIZATION FOR APPROPRIATIONS FOR BUREAU OF PRISONS.—There are authorized to be appropriated to the Attorney General to carry out this section, \$5,000,000 for each of fiscal years 2009 and 2010.

#### SEC. 232. BUREAU OF PRISONS POLICY ON RESTRAINING OF FEMALE PRISONERS.

Not later than one year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the practices and policies of agencies within the Department of Justice relating to the use of physical restraints on pregnant female prisoners during pregnancy, labor, delivery of a child, or post-delivery recuperation, including the number of instances occurring after the date of enactment of this Act in which physical restraints are used on such prisoners, the reasons for the use of the physical restraints, the length of time that the physical restraints were used, and the security concerns that justified the use of the physical restraints.

### CHAPTER 2—REENTRY RESEARCH

#### SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming adversely involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population reentering society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting re-

cidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

#### SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

#### SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General may collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the development of best practices described in subsection (a), the Attorney General shall disseminate to States and other relevant entities such best practices.

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

#### SEC. 244. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—From amounts made available to carry out this section, the Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—An entity described in subsection (a) desiring a grant under this section shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

#### SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH.

There are authorized to be appropriated to the Attorney General to carry out sections 241, 242, 243, and 244 of this chapter, \$10,000,000 for each of the fiscal years 2009 and 2010.

### CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

#### SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRERELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

“(c) PRERELEASE CUSTODY.—

“(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

“(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

“(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during prerelease custody under this subsection.

“(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

“(5) REPORTING.—Not later than 1 year after the date of the enactment of the Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on

the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

“(6) **ISSUANCE OF REGULATIONS.**—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of the enactment of the Second Chance Act of 2007, which shall ensure that placement in a community correctional facility by the Bureau of Prisons is—

“(A) conducted in a manner consistent with section 3621(b) of this title;

“(B) determined on an individual basis; and

“(C) of sufficient duration to provide the greatest likelihood of successful reintegration into the community.”.

(b) **COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.**—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: “Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.”.

#### **SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.**

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking “means a course of” and all that follows and inserting the following: “means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmacotherapies, where appropriate, that may extend beyond the 6-month period);”.

#### **SEC. 253. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OF OFFENDERS.**

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: “He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community authorized by this Act, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.”.

#### **CHAPTER 4—MISCELLANEOUS PROVISIONS**

#### **SEC. 261. EXTENSION OF NATIONAL PRISON RAPE ELIMINATION COMMISSION.**

Section 7(d)(3)(A) of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606(d)(3)(A)) is amended by striking “3 years” and inserting “5 years”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

Mr. GOHMERT. Mr. Speaker, I ask to manage the time on behalf of the opposition since I am opposed to the bill in its current form.

The SPEAKER pro tempore. Is the gentleman from Virginia (Mr. GOODLATTE) opposed to the motion?

Mr. GOODLATTE. Not in its current form.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XV, the gentleman from Texas (Mr. GOHMERT) will control 20 minutes in opposition.

The Chair recognizes the gentleman from Michigan.

#### **GENERAL LEAVE**

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration and on H.R. 3461.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, as the prison population has grown over the past two decades, so has the number of prisoners completing their sentencing and returning to the general population. More than half a million, some 650,000 men and women, are leaving the Federal and State prisons each year. While the vast majority of the prisoners are committed to abiding by the law and becoming productive members of society, they often encounter the same pressures, the same environment, the same temptations that they faced before prison, and with insufficient resources to assist them in dealing with those pressures and temptations, sometimes, despite their best intentions at the time of release, too many of them commit new crimes and end up back in prison. More than two-thirds of them are arrested for new crimes within 3 years of their release. This exacts a terrible cost in financial terms as well as in human terms.

Congress has been very active over the years in strengthening our criminal laws and our investigative and prosecutorial tools against crime. The bipartisan legislation we are considering today, aptly named the Second Chance Act, complements those efforts by helping give ex-offenders the tools they need to stay out of trouble. It's a very commonsense piece of legislation and it recognizes that too many ex-offenders lack the education, job skills and stable living arrangements, the substance abuse treatment and health services that they need to successfully reintegrate into our society.

Many have trouble finding a job and some have trouble holding a job. Many move straight from their prison cell to a homeless shelter. Many entered prison with alcohol and drug habits, and the pull remains hard to resist once they reemerge in our society. Many are physically or mentally disabled. Some have chronic disease; others need psychological treatment. Many left spouses and young children behind when they entered prison. While these family relationships can be of tremen-

dous value in helping an ex-offender build a stable life outside prison, it can be very difficult to rekindle these ties after a long and painful absence.

The Second Chance Act will help provide these men and women with the education, training, counseling and other support needed to help them obtain and hold steady jobs; to kick their drug and alcohol habits, if they have one; address medical and dental needs; rebuild their families; and deal with the many other challenges that they face in their efforts to successfully rejoin society. These kinds of programs have been tested on a smaller scale, to be sure, where they have already made a measurable difference in reducing recidivism. The Second Chance Act builds on these efforts in a measured but significant way to reduce recidivism, increase public safety, and help ex-offenders lead productive and law-abiding lives.

We have the support of current and former chairmen and ranking members of the Judiciary Committee and the crime subcommittee, chaired by BOBBY SCOTT of Virginia, as well as a wide range of national, State and local law enforcement and rehabilitative organizations.

I submit for the RECORD a new section-by-section analysis reflecting some of the revisions to the bill reported in response to suggestions by members of the Committee on the Judiciary. I urge my colleagues to give careful consideration in their support of this measure.

#### **CHANGES TO SECOND CHANCE ACT OF 2007 (REPORTED VERSION TO SUSPENSION VERSION)**

Added Rule of Construction to confirm Act does not create a right or entitlement to assistance or services, and to promote transfer of programs to programs not funded under this Act.

Reduced number of new Federal programs from 18 to 10 by consolidating or eliminating programs.

Reduce authorized spending from \$427 million to \$330 million over two fiscal years.

Reduced permissible uses under reauthorized reentry demonstration programs from 21 to 9.

Added measurable goals for programs—reducing recidivism rate by 50 percent over 5 years, and 10 percent over 2 years.

Prohibited Bureau of Prisons from Preventing Access to Chapel Library Materials.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sure glad my friend, the chairman of Judiciary, sought time for people to revise and extend their remarks, because they are going to need it. This thing keeps changing. I mean, I reviewed this bill last week. I spent a long time going line by line, only to find yesterday there's still a new version, and today I was provided a 98-page bill. I can't tell you the pages of the issues that I am most concerned about because the version keeps changing.

□ 1530

Now, this bill includes \$330 million in authorizations. Normally, suspensions

are noncontroversial, but the fact that this bill keeps changing is absolute evidence that this is not noncontroversial. It keeps changing because people can't figure out what is the best thing to do.

I would submit there is a good reason for that. The bill that this seeks to renew and programs that are sought to be renewed are ones we don't have information on how successful they were, and that was the original purpose of this bill. Back when it expired in 2005, we still did not have the information on what worked and what didn't.

I can tell you from my days as a judge, there was some anecdotal evidence that it looked like faith-based programs did a better job of dramatically reducing recidivism. In one case I was shown results from a prison in Texas where it dropped down to about 8 percent from over 80 percent because of faith-based programs and mentoring.

This new version, I haven't even been through it. I haven't had time to go through it. But the one that I saw and reviewed on Friday, it included reentry programs allowing payment for housing and health care. I know our military members who are leaving after less than 20 years in the service with honorable discharges would love to have that kind of help reentering.

There are some provisions that allow for too much administration, in my opinion; 11 percent at one point, 15 percent at another. That is not going to help people. That is going to build a bigger bureaucracy.

Dismissing all charges if someone completes drug rehab under another provision I think is outrageous. You are going to remove the hammer that would allow you to keep people in line? It is one thing to say we are going to remove you and not have you go to prison and instead send you to drug rehab, and then if you get through there, before you have a chance to go out and do cocaine again, we are going to drop all charges so we have no hammer over your head. I don't know if this is in the final bill. It was in there last I saw on Friday.

There is a provision that allows payments through the Department of Labor for support. There are military members, and I went to another funeral Saturday, a gentleman who was not killed in Iraq, he was killed during surgery, but I know his family would love to have the kind of support being provided in here for felons.

We also have a provision in here, we are going to pay people through these grants to teach inmates how they can go about getting the most welfare before they leave prison and go out on their own. There is also a provision that moves inmates to home detention without approval of the judge who sentenced the individual.

In this bill, the elderly, for purposes of moving to home detention, is defined as 65. I guess apparently under this bill, without any underlying evidence or research to support it, we have arbitrarily picked 65 as deciding

that is when people are harmless. But I know from my own experience around this Chamber, there are people in Congress that are 65 or older that are certainly not harmless. In any event, I think that is a little bit too young to classify people as harmless.

There is a provision that assistance will be provided by the United States probation system and it "shall" be done. I don't know, I can't find from the bill what kind of assistance that will be. But I think we have all got the same goal. I think one of the worst atrocities in the justice system has been our lack of rehabilitating and educating and preparing people to go out into the world and become productive citizens and finally reach the God-given potential that every one of them has. I couldn't agree more with the proposition, and I know that is the heart of my colleagues across the aisle. But we don't have the information on which programs are successful and which aren't.

I want to work together on a program. I've kind of been cut out of this process. The National Summit on Prisoner Reentry is coming up in Los Angeles on November 27 and 28, but we are going to rush this through on a suspension bill for \$330 million without even having a chance to really review the most recent document.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GOHMERT. Yes, I will be glad to yield, and if you can show that we have gotten the recent version—

Mrs. JONES of Ohio. Let me say for the record my name is STEPHANIE TUBBS JONES. I am the Congresswoman from Cleveland, Ohio. I served for 10 years as a judge in Cuyahoga County, Ohio, 8 years as the elected prosecutor in Cuyahoga County. And, Mr. GOHMERT, your remarks are just outrageous.

Mr. GOHMERT. Claiming back my time, I am not yielding for you to criticize me.

Mrs. JONES of Ohio. Very well. I will talk to you when I get my own.

Mr. GOHMERT. I appreciate yielding to the gentlelady to come down and call me outrageous. But what is outrageous is this process, this process of taking something so important and rushing it in here without having the proper input and the proper information. The National Institute of Justice has got their biggest study program in its history ongoing, and we don't have the results, and yet my colleagues want to rush in and throw \$330 million at a process that is unproven and untried.

I just don't think that is the way to go. We have got honest people involved in the process, but the process itself here has not been honest.

With that, I would reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are the day after Veterans Day. We come back in

comity and goodwill. We are trying to finish off the last week before the Thanksgiving recess. And I want Judge Louie Gohmert, my dear friend from Texas, to understand as much as I can explain to him about the reservations that he has raised thus far.

I want him to know this is not a partisan bill at all and that the changes that have been made to the bill were made before Friday when you examined it. So if you were examining this measure on Friday, that is the last, that is all she wrote, because we haven't been in since then.

So, please understand that, first of all, this is a bipartisan bill. We had the hearings. We had a markup in which you participated rather actively. We had a record vote. We went to the Rules Committee. Everything is working I think very smoothly, according to the chairman of the Subcommittee on Crime, Bobby Scott, and the author of this bill for three Congresses, Congressman Danny Davis of Illinois.

Please know that we have been working on this bill. You are right, it has been through a lot of changes. The changes started before you graced us with your presence in the Judiciary Committee as a very important member of it. We have been working on this all the time. We think it is in an improved state.

I would just like you to know that we have 212 organizations, and because we are on a rather fast schedule here this afternoon, I won't bother you with them, but none of them are political. They are all community organizations. They are all organizations concerned with the reentry of people who have served their time and are now coming out.

We are trying to deal, Judge Gohmert, with this huge problem of people returning from their terms in prison. They come out and sometimes in my State, I hate to say this, they don't even have a bus ticket or a suit of new clothing to get to where they are supposed to be going. Many of them don't know where they are going. It is that dislocation that creates the situation of so many of them returning back.

One of the most distressing things I ever heard when I was visiting one of these places is that the guard tells the exiting prisoner, former prisoner who serves his term, "I'll see you when you get back." Nothing tells the story more than I know there is nothing for you out in society. You're not trained for anything, you're not fit for anything, there are no jobs for you, so you're going to go back into your old ways and we're going to get you back in our clutches again. What we are trying to do, Judge Gohmert, is to change that. I know in your court you have seen your share of this kind of process even in Texas.

So I urge you to join with us in trying to be as constructive as you normally are, to help make everybody understand that we are trying to make

rehabilitation mean something besides just the phrase used in the criminal justice system.

Mr. GOHMERT. Mr. Speaker, would the gentleman yield for a question?

Mr. CONYERS. Of course.

Mr. GOHMERT. Was there no version of the bill filed today? Was there no version of the Second Chance Act filed today?

Mr. CONYERS. Absolutely, yes, it was.

Mr. GOHMERT. Thank you.

Mr. CONYERS. You're welcome.

I reserve the balance of my time.

Mr. GOHMERT. May I inquire how much time I've got.

The SPEAKER pro tempore. The gentleman from Texas has 13 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

Nothing would please me more than to be involved in the process of constructively working on these issues. When I think about the gentelady saying that my comments were outrageous, everything that I have said is documented. Everything I have said comes from reading through this bill, as well as my own experience from my days of being a judge.

I wholeheartedly agree, we should do a better job of rehabilitating and educating. In fact, I just get concerned when we get so anxious to try to do something good that we end up throwing money at a problem just so we can say we worked on it, something had to be done.

But it was the National Institute of Justice Award to RTI International, a nonprofit research organization, to evaluate the programs funded by the Serious and Violent Offender Reentry Initiative. This is one of the largest evaluation studies funded by the NIJ, and it is doing this research. The Urban Institute, a nonpartisan economic and social policy research organization in D.C., is the collaborator on the project. I am really looking forward to getting that information. I am wondering why we throw more money at a situation before we get the information that tells me how and tells us how to be most effective?

When my good friend the chairman, and I do think the world of him, talks about comity and goodwill, that is what I would love to have. But when we have such trouble getting copies of the latest versions, and then the chairman says, gee, I had the latest version on Friday, I was notified by the committee staff that there was a new version as of yesterday and then the new version was filed today. So, I didn't have everything Friday. That has been one of the problems here. This is too important of an issue to just be throwing good money after bad.

I would also point out that in the interests of comity and goodwill, the bills that follow this, H.R. 3845, PROTECT Our Children Act of 2007, I indicated before that sounded like something I would want to be part of and helping with, but we never did get a

final version that we could say, yes, I want to cosponsor that.

Keeping the Internet Devoid of Sexual Predators Act of 2007 sounds like another good bill, but we haven't seen it. And talking to the Judiciary staff, that and the Effective Child Pornography Prosecution Act, H.R. 4120, that follows that, we are still trying to get updated versions of those things. So that doesn't sound to me like comity and goodwill, when we are struggling over here to even get copies.

We don't know what requests had been granted. There were things requested by the Department of Justice, in the interest of justice, please get these provisions put in this bill. We don't know what was put in and what wasn't. That, to me, does not indicate comity and goodwill. It creates all kinds of problems.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. GOHMERT. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I am being told that we have been working with the minority in Judiciary on an ongoing basis, and I just wonder if you are aware that four of your changes in particular have been accepted and incorporated into the measure that is before us now?

Mr. GOHMERT. I am not sure which four things the chairman is referring to.

Mr. CONYERS. I will bring them out for you and be happy to show them to you.

Mr. GOHMERT. I thank the chairman.

Reclaiming my time, I have been over here in the 20 minutes or so before I came up to speak talking to Judiciary staff who, unless they are changing their story now, have not been able to get the latest information on this bill. Well, they have got it on this bill. We have the final copy. I haven't had a chance to review it since it has been filed today. Most of us were out doing what we should have been doing yesterday, paying tribute to veterans all over our districts. But these subsequent bills, these are still a problem that I have been having with the Second Chance Act, getting the latest information on this.

□ 1545

My dear friend, Mr. COBLE, we serve together on the Judiciary, had asked for time, and at this time I yield 3 minutes to the gentleman from North Carolina.

Mr. COBLE. I thank the gentleman from Texas for yielding.

Mr. Speaker, I rise in support of the bill before us. The cost of maintaining our Federal, State and local prisons is ballooning out of control. We must continue to enforce our criminal laws, but we cannot ignore the fact that most of the people who are released from incarceration are likely to return. The Second Chance Act will support

programs that help prisoners reenter society which is essential to reducing recidivism.

We can expect, Mr. Speaker, over half of the adult prisoners who are to be released around the country this year will be rearrested again and likely will return to prison. This cycle is overwhelming our criminal system, it is overwhelming our prisons, and it is costing more than \$90 billion every year, \$50 billion as far as Federal institutions are concerned.

I am in agreement that stiff sentences serve a good purpose. Criminals must know if they violate the law, they will be punished. But when we see growing numbers of ex-offenders returning to our prisons, something in the system is not working. Something, Mr. Speaker, is flawed.

The Second Chance Act is endorsed by the Council of State Governments, the National Sheriffs Association, the American Bar Association, and countless religious organizations from around the Nation. For some time many of you have heard me express alarm and concern about the dangers of prison overcrowding. It is a ticking bomb waiting to explode.

In my district, in fact, there is a county jail that is bursting at the seams. We can begin to defuse this bomb today by passing the Second Chance Act and supporting programs that reduce recidivism.

Now, much has been said about the cost. And I will stipulate, I will say to my friend from Texas, it is costly. But if the Second Chance Act proves to be effective, I believe it is realistic for us to conclude it will result in saving taxpayer money because to house prisoners is a costly operation.

Rarely do I disagree with my colleague from Texas, but on this occasion we are going to disagree agreeably. I think this is a good proposal. I heartily endorse it.

Chairman SCOTT, you remember I chaired, along with you, two hearings in the last Congress, and I believe this is the third time it has passed the House Judiciary Committee, if the gentleman from Michigan will corroborate that.

Mr. CONYERS. That is correct.

Mr. COBLE. I thank Mr. GOHMERT for yielding, and I urge passage of the Second Chance Act.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the Chair of the Subcommittee on Crime of the House Judiciary Committee, the gentleman from Virginia (Mr. SCOTT) for 2 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the Second Chance Act and would like to commend Mr. DAVIS from Illinois and the gentleman from Utah (Mr. CANNON) for their continued leadership on this bill and also acknowledge the dedication and tireless efforts of many members of the diverse coalition of national, State and local organizations referred to by Chairman CONYERS.



While our national crime rates may have fallen significantly over the last decade, we have seen an unprecedented explosion in our prison and jail populations. Today, over 2.2 million people are incarcerated in Federal and State jails and prisons, a 10-fold increase since 1980 and at a present cost of \$65 billion.

As a result of this focus on incarceration, the United States leads the world in per capita incarceration rates, over 700 per 100,000 population. While most of the world locks up about 50 to 200 per 100,000, the United States is first in the world at over 700 per 100,000. And as a result, more than 650,000 people will be released from Federal and State prisons to communities nationwide, along with 9 million people leaving local jails.

Unfortunately, the Department of Justice's Bureau of Justice Statistics estimates that two-thirds of the offenders leave State and Federal prisons are rearrested in 3 years. If we are to reduce the number of inmates returning to prison, we need to provide our ex-offenders with the education and training necessary for them to obtain and hold steady jobs. They also need drug treatment, and medical and mental health services to decrease the chances they will come back to prison.

The Second Chance Act will provide these investments, and every study shows it will not only reduce crime but also save money in the process. Mr. Speaker, it is very infrequent that we have the opportunity to reduce crime and save money. I hope we will take that opportunity today and pass this bill.

Mr. GOHMERT. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

We heard moments ago that there are 212 organizations supporting the bill. I have talked to many of them over the course of our discussions on the Second Chance Act, great, noble, wonderful organizations. I couldn't find but one out of numerous ones that I talked to that actually read the bill. They all have the same goals. They all want to see adequate education and rehabilitation, cutting down on recidivism. We all want to see that. I want to see that. I think we have got to do that as a civilized society. There are many that support this goal. But, again, many haven't seen the bill.

And I have checked with the staff in the interim. For example, H.R. 719 is file-stamped November 13 at 1:11 today, and the Judiciary got it for the first time just before 3 p.m. so that you know.

But if we really want to help the situation, doesn't it make sense to get the information on one of the biggest-funded programs NIJ has ever had so we put the money where it works and take it away from where it doesn't work?

Mr. Speaker, in responding to the chairman's comment, I would have to say I noticed in reviewing the bill on Friday, it is a better bill than it was, in my opinion; but we still have a little ways to go. That is why I just think this is a bill in its present form, as it continues to morph, that should not be on the Suspension Calendar, but should come up under a regular rule where we have a chance to work on these other issues.

Mr. Speaker, I reserve the balance of my time so the gentleman from Michigan has the time to respond.

Mr. CONYERS. Mr. Speaker, I am glad that you find we are making progress; that is very encouraging. How much time do you think we would need to arrive at a point where your observations about the bill and the needed improvement and our position would intersect so we could get it before the body?

I yield to the gentleman.

Mr. GOHMERT. I appreciate the chairman yielding. I think we are getting closer, actually.

Mr. CONYERS. How about tomorrow? If I gave you 24 hours, what would happen differently?

Mr. GOHMERT. I would like to see the information that is being prepared to come forth on November 27 and 28, the newest information that is being brought to bear, all of these groups coming together. I would think then by December we ought to be able to have something.

Mr. CONYERS. Mr. Speaker, I am going to recognize the distinguished whip of the majority, the gentleman from South Carolina (Mr. CLYBURN), for 2 minutes, and maybe within his comments he can help us frame some kind of time line.

Mr. CLYBURN. I thank the chairman for yielding me the time.

I want to thank Chairman SCOTT and especially Congressman DANNY DAVIS for not giving up on this legislation.

We have been here for approximately 6 years now, Mr. Speaker; and if we are ever going to make progress in the crime that is crippling our communities, we cannot give up on any human being, because it is not enough to say we are just going to lock up every offender and throw away the key. Such narrow-mindedness does nothing to prevent our vulnerable youth from being indefinitely trapped in our Nation's correctional system.

In order to stop crime, Mr. Speaker, we have to eliminate the criminal mindset. And we help to eliminate this mindset by offering alternatives for the offenders in their lives of crime. We do this by enrolling them in programs that provide them with an education, help them find employment, and remind them constantly of the consequences of antisocial behavior.

I am happy to say that the Second Chance Act does all of this. It reaches out to offenders by increasing their access to vocational education. It also goes a long ways in helping many of

our juvenile offenders understand the dangers associated with crime and providing them with counseling services.

Many of the individuals currently incarcerated in this country are young, nonviolent, first-time offenders who made stupid mistakes. These kids should not be denied the opportunity to reposition their paths in a more stable and law-abiding direction.

This bill makes tremendous strides in protecting the public and rehabilitating offenders, and I urge my colleagues to vote for its passage.

Mr. GOHMERT. Might I inquire, I don't have any other speakers, if I can find out where the chairman is with regard to additional speakers.

The SPEAKER pro tempore. The gentleman from Texas has 3 minutes and the gentleman from Michigan has 5 minutes.

Mr. CONYERS. Mr. Speaker, I would like to recognize now the author of this bill, the gentleman from Illinois (Mr. DAVIS). We said it started three Congresses ago, but DANNY DAVIS started it many years before three Congresses ago, and I am proud to yield 2 minutes to him.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank Chairman JOHN CONYERS and Ranking Member JAMES SENSENBRENNER of the Judiciary Committee for their unrelenting commitment to passing this landmark legislation. I also extend my appreciation to Senator LEAHY and the Judiciary Committee in the Senate for their hard work, cooperation, and sensitivity.

I also want to commend Congressman CHRIS CANNON of Utah who was the chief Republican sponsor on this legislation. I want to thank Congressmen BOBBY SCOTT and HOWARD COBLE and all of the cosponsors who signed on. I want to express appreciation to former Congressman ROB PORTMAN, who was very instrumental in moving this legislation to this point.

I want to thank CAROLYN CHEEKS KILPATRICK and all of the members of the Congressional Black Caucus, all of the organizations who have worked unceasingly to try and bring us to this point.

I want to thank what we call the working group under the leadership of Gene Guerro. I don't know about them not reading this stuff. They have read it time and time and time again. As a matter of fact, they know it backwards, forwards, crossways, and sideways.

I want to thank the staffs of all Members who have worked extremely hard, and thank especially the members of my advisory committee back in Chicago, Dennis Deer and George Williams and Tumia Romero, who helped orchestrate all of the activity. I thank Dr. Caleb Gilchrist, Bernard Moore, and Helen Mitchell in my office here.

□ 1600

I also want to thank, Mr. Chairman, STENY HOYER, the majority leader, and

Mr. BLUNT, the minority whip, who have been working on this now for months, bringing us to this point, and the President of the United States supported this when it was first introduced, and I want to thank him for his interest.

Mr. GOHMERT. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the distinguished Member from Ohio, a former jurist and prosecutor herself, STEPHANIE TUBBS JONES, for 1 minute.

Mrs. JONES of Ohio. I won't do all the thank-you's that Mr. DAVIS has already done.

I want to say to you, Judge, if I offended you, I apologize. But you know as well as I do that it is so important for us to have programs for ex-offenders. In the time that I was a judge and prosecutor, it was those young people that we helped, that we gave a second chance to, that we said to them, all right, you made a mistake, let's make a difference in your life.

I can't tell you how many times I have walked down the street, Judge GOHMERT, and young people have walked up to me and said, "Judge, you gave me a break and I thank you." "Judge, you gave me an opportunity." And more than those young people need an opportunity. They need a second chance. This is the program.

We can't study anymore. We have studied. There are all kinds of studies that have shown that community reentry works. There is all kind of programs that say diversion works. And there is a lot of young people out here who don't have a mother or father that is a judge or a prosecutor or a Congresswoman or a State Representative to call and say I am a good person. They need us to say in the world that young people, older people, whatever their age, who have been involved in the criminal justice system, paid their dues. They need a chance, and we ought to give them the second chance.

Last week we were talking about reading the Bible, the week of the Bible and how important it was to follow God's word. What more important? God said you visited me when I was sick, when I was in jail. Second Chance can do that.

And, Judge, all I am saying to you, and I didn't mean to offend you, but if I did I want you to know, your comments that fuel the fire make it hard for us to do a second chance.

Mr. Speaker, I have been waiting nearly 30 years for Congress to enact meaningful reentry legislation, as I have been deeply involved in prisoner reentry issues since my days as a judge and county prosecutor in Cleveland, Ohio, before serving in Congress. While Cuyahoga County prosecutor, I helped establish the Pretrial Diversion Program, as well as the Municipal Drug Court. Both programs, I am proud to say, still exist and continue to help ex-offenders move on with their lives and become productive citizens of society.

Prisoner reentry is not a Democratic or Republican issue. It is a common sense issue.

The facts are clear—meaningful reentry programs significantly diminish the chances that ex-offenders will return to prison. That saves taxpayer dollars and increases public safety. So why not invest in enhancing reentry programs in order to end the cycle of recidivism? That is exactly what the Second Chance Act does.

In 2002, 2 million people were incarcerated in all Federal and State prisons. Each year, nearly 650,000 people are released from prison to communities nationwide. Nearly two-thirds of released prisoners are expected to be re-arrested for a felony or serious misdemeanor within three years of their release.

The State of Ohio has one of the largest populations of ex-offenders re-entering the community, with about 24,000 ex-offenders returning to their respective communities annually. Of those ex-offenders, about 6,000 will return to Cuyahoga County and almost 5,000 will re-enter in the city of Cleveland. Statewide, about 40 percent of ex-offenders will return to prison. In Cuyahoga County, about 41 percent will return to prison. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

This legislation is critical to successful reentry of offenders. The bill provides as a beginning the essential ingredients necessary to assure public safety and recovery. It will help begin the process of breaking down barriers to successful re-entry and allow offenders and their families the tools necessary to break the cycle of criminality.

I would like to thank my colleague DANNY DAVIS for all of his hard work on this issue as well as former Congressman Rob Portman who was the first to introduce the legislation. I encourage my colleagues to support this very important legislation.

Mr. CONYERS. Mr. Speaker, I am proud now to yield to GWEN MOORE, the gentlelady from Wisconsin, 1 minute.

Ms. MOORE of Wisconsin. I thank you, Mr. Chairman. Mr. Speaker, I rise today in strong support of the Second Chance Act.

According to the 2001 census, Wisconsin had the highest incarceration rate for African American males in the country, and I can tell you that this legislation represents a second chance for these convicted felons. You know, becoming a felon is akin to the civic death penalty. Ex-offenders are often lacking a high school diploma, lacking vocational skills. They are drug and alcohol dependent. They are estranged from families. They are homeless. But this legislation not only is a second chance for those felons, but it is a second chance for our communities. Those communities, our States that are tethered to these billion dollar budgets for incarcerating particularly African American men and can't use those billions of dollars for more constructive and productive purposes like job creation and job training, educational and vocational training, and strengthening our families and communities.

Please support this Second Chance Act.

Mr. Speaker, I rise today in strong support of the Second Chance Act. I would like to

thank Congressman DANNY DAVIS for his hard work on this vitally important legislation. In my community, according to 2001, census data, Wisconsin had the highest incarceration rate of African Americans in the nation.

In 2005, there were over 2 million people incarcerated in Federal or State prisons. Nearly 650,000 people are released from prison to our communities each year.

Nearly two-thirds of released prisoners are expected to be rearrested for a felony or serious misdemeanor within three years of release.

It is no secret that high recidivism rates translate into thousands of new crimes each year, many of which can be averted through improved prisoner reentry efforts.

In my district alone, there were approximately 10,308 Milwaukee County Residents incarcerated as of June 2006.

Since 1993 Milwaukee County has experienced nearly a four-fold increase in its recently released incarcerated population.

In 1993 2,191 prisoners were released, compared to 8,147 in 2005.

32 percent of offenders released to Milwaukee County are under the age of 25 at the time of release from prison.

31 percent of the offenders released to Milwaukee County have less than a High School education.

We are seeing an increased use of imprisonment to address the "War on drugs":

We are now incarcerating people at an alarming rate who have never been convicted of violent crimes and who have had no prior convictions.

24 percent of the offenders released to Milwaukee County are in prison for Property crimes; 18 percent Drug crimes; 14 percent violent crimes; 4 percent Sex crimes and 3 percent Other Non-Violent crimes.

Ex-offenders face an automatic uphill battle when released from prison. As a result of being incarcerated, they are denied:

The right to vote:

The U.S has the most restrictive felony voting rights in the World.

In Wisconsin, those in prison, probation or parole are restricted from voting.

Access to public assistance:

Those with felony drug convictions are ineligible for food stamps and TANF services.

Some are not eligible at all for subsidized housing, while all face significant barriers when applying for public housing and subsidies.

Some can't apply for financial aid to get an education:

Felons with drug-related convictions are denied financial aid to attend vocational education classes, college, and other postsecondary education programs.

It is beneficial for an entire community when we provide proper resources and services to ex-offenders.

The Second Chance Act will do just that by: Directing the Bureau of Prisons to create a Federal Re-Entry program to assist prisoners in successfully returning to their communities.

Authorizing new grant programs to assist states and local governments with drug abuse treatment for those convicted of or facing criminal charges.

Authorizing a new educational program that will improve vocational education programs in prisons, jails and juvenile detention facilities.

Mr. Speaker, it is high time that we change our focus from catching ex-offenders violating

parole or probation to providing the adequate resources and programs to help them successfully integrate back into society.

I urge my colleagues to vote for the Second Chance Act.

Mr. GOHMERT. Mr. Speaker, I do appreciate Mrs. Tubbs Jones' comments. And I guess calling me or my comments outrageous was somewhat offensive, but as an old judge I was used to that. In fact, I have been called all kinds of names.

And, yes, even 2 days ago when I was buying some potting soil back home, I had a guy come up to me with his father and said if it were not for me, he would never have straightened his life up.

Those are not uncommon comments. And what it came from was being fair, but also having tough love. Because, as those who have been involved in dealing with people who have been addicted to drugs or alcohol, it does take tough love. And you do want to help them get out of the cycle rather than becoming an enabler. And that is my number one concern, is that we do not want to be enablers.

And when we talk about Scripture, absolutely, there are all kinds of verses that apply to us for those that believe the teachings of Jesus as I do. They are entirely appropriate. Those are directed to individuals. If you get over to Romans 13, that is directed to the government. And where it says if you do evil, you need to be afraid, because God does not give the government the sword in vain, that is part of the role of government; if you do evil, then there are consequences.

But it is a worthy goal to want to try to stop the cycle of recidivism. We all, I think, want that. No, I don't think; I know, we all want that same goal. But I am very concerned that we may be enabling by throwing money at a problem.

One of the saddest words and lines I ever heard came at a hearing when the wealthiest people in my home county, they had the courtroom packed so that they were hoping that I would put her on probation yet again, and they knew she had had it too many times and it wasn't going to happen under me. And it didn't. And it turns out she had a huge trust fund every month. She never had to work, she never had to study, and she had spent all her money on drugs. And the last thing she said before I sentenced her was, "I wish somebody had told me 'no' before today and meant it."

She has now gotten out. Her mother, when I was walking neighborhoods, I went up to her door and her mother said, "Come in and sit down." She said, "You know, my husband and I just hated you at one point, but you saved our daughter's life."

Sometimes it is the tough love things that turn things around. We want the same goal. I don't want to throw good money after bad in renewed programs that shouldn't be. And I hope that if this fails on suspension, we can get the

new data that is going to be forthcoming and work toward the same goal with additional, more helpful information.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to close the debate on our side to ELEANOR HOLMES NORTON, who has been not just a trial lawyer but has been before the Supreme Court on numerous occasions.

The SPEAKER pro tempore (Mr. CAPUANO). The gentlewoman from the District of Columbia is recognized for 1 minute.

Ms. NORTON. I thank the gentleman for his important work. Two thousand five hundred ex-felons return to the District of Columbia every year. They are a microcosm of who is coming home to every community in this country.

There is a special benefit and a special burden that has to be spoken of on this bill. Twelve percent of our population is African American; 40 percent of those in Federal prison are African Americans. Most of these are non-violent drug offenders. It is the sentencing guidelines, the mandatory minimums that have done this. All of us here have played a major role in destroying the African American family and their children, because these have been drug peddlers, not kingpins.

The disparities have been recently relaxed. Justices, beginning with Justice Rehnquist, have spoken to the injustice. These inmates are now coming home. They have been in Federal prisons. Let's not make it any worse than it was in condemning them disproportionately under the crack cocaine guidelines. We owe it to their communities to help them return and become good citizens. That is all this bill aims to do.

I thank the gentleman for all of his work on this bill, and particularly the sponsor, Mr. DAVIS.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1593, the Second Chance Act of 2007. I would like to thank my dear colleague Mr. DANNY DAVIS of Illinois for sponsoring this very important legislation that addresses the prison warehousing crisis in this country. H.R. 1593, a bill of which I am an original co-sponsor, addresses the very serious concerns about the compromised state of warehousing prisoners.

Earlier this year, the Judiciary Subcommittee on Crime, Terrorism and Homeland Security of which I am a member, held hearings to address the state of certain conditions within the United States prison system. In one of those hearings, my colleagues and I considered the merits of The Second Chance Act, and my amendment which I offered in the last Congress was included in the base bill this year.

The Second Chance Act is designed to reduce recidivism, increase public safety, and help State and local governments better address the growing population of ex-offenders returning to their communities. The bill focuses on four areas: development and support of programs that provide alternatives to incarcer-

ation, expansion of the availability of substance abuse treatment, strengthening families and the expansion of comprehensive re-entry services.

Nearly two-thirds of released state prisoners are expected to be re-arrested for a felony or serious misdemeanor within 3 years of their release. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner reentry efforts.

The "Second Chance Act of 2007" allocates funding towards a variety of reentry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

Another reason why I strongly support this legislation is because it includes a provision contained in an amendment I offered during the Judiciary Committee markup of this bill in the 109th Congress. That amendment, incorporated in H.R. 1593 as Section 243 of the bill, requires that the:

Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents, including those in foster care and kinship care, and the support of parent-child relationships between incarcerated, and formerly incarcerated, parents and their children, as appropriate to the health and well-being of the children.

My amendment provides for a systematic means of ensuring the safety and support of children of incarcerated parents and the support of children of release for non-violent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

The Second Chance Act seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A second benefit of the legislation is that it would relieve some of the strain on Federal, State, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Mr. Speaker, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, non-violent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's *Les Misérables*, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the America value that no non-violent offender is beyond redemption.

Mr. Speaker, the number of Federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from \$330 million to \$4.6 billion since 2004. At a time when tight budgets have forced many States to consider the early release of hundreds of inmates to conserve tax revenue, early release is a common-sense option to raise capital.

The rate of incarceration and the length of sentence for first-time non-violent offenders have become extreme. Over the past two decades, no area of State government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with States like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in States of Alaska, North Dakota, and Wyoming combined.

Over 1 million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one-third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents 5 times the number of people held in India's entire prison system, even though its population is 4 times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75 percent of the people entering State and Federal prison were white (roughly reflecting the demographics of the Nation). Today, minority communities represent 70 percent of all new admissions and more than half of all Americans behind bars.

This is why for the last several years I have introduced the H.R. 261, the Federal Prison Bureau Nonviolent Offender Relief Act. H.R. 261 directs the Bureau of Prisons, pursuant to a good time policy, to release a prisoner who has served one-half or more of his or her term of imprisonment if that prisoner: (1) has attained age 45; (2) has never been convicted of a crime of violence; and (3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

Over 2 million offenders are incarcerated in the nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that The Second Chance Act will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138 and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

I am also concerned about the rehabilitation and treatment of juvenile offenders in my

home State of Texas as it appears that the administrators of TYC have neglected their duties. The April 10, 2007 "Dallas Morning News", reported that "two former Texas Youth Commission administrators were indicted on charges that they sexually abused teenage inmates at the state juvenile prison in Pyote". The same article also cited the 2005 investigative report by Texas Rangers' Sgt Burzynski which found that the two indicted TYC administrators, Brookins and Hernandez, had repeatedly molested inmates in the Pyote prison. The report is cited as saying that Mr. Brookins, who during some periods was the top official, had shown sex toys and pornography in his office, while Mr. Hernandez molested inmates in classrooms and closets.

I hope that all of my colleagues would join me in supporting the Second Chance Act. Passage of H.R. 1593 would be the start of a long overdue process to eliminate unnecessary costs that result from warehousing prisoners.

Ms. LEE. Mr. Speaker, I rise in strong support of H.R. 1593, The Second Chance Act. I thank Congressman DANNY DAVIS for introducing this important legislation and thank him for his leadership in support of formerly incarcerated persons making a successful transition back into their communities.

We must all begin to recognize the unique needs of those on the path of re-entry. I believe that there needs to be a comprehensive system of support to reduce the rates of recidivism and wasted tax dollars.

Today, our prisons and jails are filled beyond capacity, mostly with non-violent drug offenders, at enormous cost to the taxpayer. The politics of locking people up are easy. Not enough lawmakers have given much thought to the hard part: the inconvenient fact that more than 95 percent of the people who got to prison or jail will return at some point to our communities, with little or no preparation to succeed when they do.

The reality is, recidivism rates continue to rise with nearly 70 percent of those released from incarceration returning to prison within 3 years. By releasing the formerly incarcerated back into our communities without arming them with the necessary tools for survival, we are condemning them to repeat their past mistakes. This does nothing to reduce the crime rate or provide for safer communities.

We need to put the rehabilitation back into our penal system, to prepare people for re-entry with job training and to send people with drug problems to treatment, not jail.

Today, we can change the landscape of re-entry programs for the formerly incarcerated in this country. We need to make rehabilitation a reality not just an abstract proposal. By providing all formerly incarcerated individuals with greater access to education, health care, job placement, and drug treatment we will reduce recidivism rates across the board.

Mr. Speaker, this legislation is especially important to me because over 14,000 formerly incarcerated persons return to our community every year. The State of California had over 500,000 adults on parole or probation in 2005.

Comprehensive re-entry programs are critical to safely and productively returning the formerly incarcerated into the communities that they came from. Up to 60 percent are unemployed a year after release and up to 30 percent go directly to homeless shelters upon their release. The incidence of drug use

among ex-offenders is over 80 percent, twice the rate of the United States population. It's more than clear that something needs to be done.

Following the lead of my colleague from Illinois, I host an annual Clean Slate Summit, which we held on November 3, to help those who qualify to legally clean up their records so that they can access the employment, education, housing and civic opportunities they need. We work to coordinate the efforts of community groups like the East Bay Community Law Center and All of Us or None, with local and county government leaders like Assemblymember Sandre Swanson and Alameda County Supervisor Keith Carson as well as local judges and the district attorney's office. It is only through this comprehensive and cooperative approach that we can successfully assist those who are so often completely cut off from their communities.

We have a vested interest in making sure that people reentering our community do so successfully. Help with cleaning their records provides and opportunity for a second chance to read an application, get a job or go back to school.

Booker T. Washington once said that "Success is to be measured not so much by the position that one has reached in life as by the obstacles which he, or she, has overcome."

Mr. Speaker, we must end the cycle of injustice that is perpetuated by a system that continues to punish people, long after they have paid their debt to society. H.R. 1593, the Second Chance Act, is a critical step forward. No one condones criminal activity but once one serves their time, they should be free to feed their family and move on with their lives.

Mr. SMITH of Texas. Mr. Speaker, I rise in support of the "Second Chance Act of 2007." I commend Chairman CONYERS, Crime Subcommittee Chairman SCOTT, along with Ranking Member Mr. FORBES, and Representatives CHRIS CANNON, DANNY DAVIS, HOWARD COBLE, and STEPHANIE TUBBS-JONES for their commitment to the issue of prisoner re-entry.

I also want to thank Minority Whip ROY BLUNT for his tireless dedication to this legislation. Congressman BLUNT and his staff devoted countless hours to bicameral and bipartisan negotiations to reach a consensus on this important legislation. The new bill, which is modeled on prior versions, is an excellent example of bipartisan cooperation on important criminal justice matters.

This bill represents a common sense approach to addressing the problems posed by prisoner reentry.

President Bush stated in his 2004 State of the Union address: "We know from long experience that if [former prisoners] can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison. . . . America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life."

The Second Chance Act of 2007 implements the President's initiative.

I believe in tough enforcement of our criminal laws. Public safety is essential to a free society, and criminals must be aggressively prosecuted and incarcerated to protect our communities. However, once criminals are incarcerated, we have an obligation to make sure they are rehabilitated and treated humanely.

The Second Chance Act creates a framework of strategic policy innovations to provide effective re-entry services.

The demand for innovative solutions is obvious—it is conservatively estimated that approximately 650,000 inmates will be released from State prisons in the next year. In the absence of action, 67 percent of these individuals will be rearrested and over half will return to prison in the 3 years following their release from prison. States are being crushed by an overwhelming financial burden of correctional costs.

We need to help State and local governments implement innovative programs to ease the transition for offenders, to bring families together once again, and to make sure that offenders get the necessary support so that they can truly have a second chance to live a law-abiding life.

Successful reentry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison, jail or juvenile detention facilities can pay fines, fees, restitution, and provide family support.

The Second Chance Act expands existing demonstration programs to improve coordination among service providers, supervision services and re-entry task forces, and between State substance abuse agencies and criminal justice agencies. The Act also strengthens reentry services and authorizes grants to operate State and local reentry courts, and to establish local re-entry task forces to develop comprehensive reentry plans during each phase of transition—from incarceration, to transitional housing, to release in the community.

I urge my colleagues to support the bill.

Mr. CANNON. Mr. Speaker, I rise in support of the Second Chance Act. This is an important bill not only to ex-offenders but to our communities and families.

This bill is a modest, commonsense response to the increasing number of offenders returning to our communities each year.

The Second Chance Act is a bipartisan approach to prisoner reentry that will better coordinate Federal agencies and policies on prisoner reentry with an eye towards less crime and taxpayer savings.

The Second Chance Act addresses important areas for offenders and communities, including: jobs, housing, substance abuse, mental health treatment, and support for families.

This legislation brings together State and local governments to work together on the problem of prisoner reentry.

A modest expenditure to help transition offenders back into their communities can save taxpayers millions of dollars in the long run because the cost of paying for inmates is a serious burden to our citizens.

The average cost to house a Federal inmate is over \$25,000 a year. If we can reduce recidivism we can save taxpayers millions of dollars.

I supported the Second Chance Act when our former colleague Representative Rob Portman introduced the bill in 2004. He should be acknowledged for his diligent work on this important issue and paving the way for us to be here today.

After Mr. Portman left Congress, I took over as the primary sponsor and this Congress I cosponsored this legislation for the reasons I have stated.

I believe there are some fundamental ideas that we hold as Americans.

The first is that there is a God and that we will all at some point face divine judgment.

You don't have to believe in God to be an American, but most Americans, believers or not, when given a choice will support limiting government to promote the welfare of their fellow man.

For believers like me, this legislation does that.

It is part of our Judeo-Christian ethics that we have a responsibility to care for widows, orphans and those less fortunate, including, always and explicitly, prisoners.

The issues addressed in the Second Chance Act are not only safety and cost savings but reflect a moral imperative.

The President laid out in his State of the Union Address in 2004 the need for this bill, stating, "America is the land of second chance and when the gates of prison open, the path should lead to a better life."

This bill will give those released from prison a better chance to improve their circumstances by turning away from crime and turning into productive contributing citizens.

I want to thank Congressman DANNY DAVIS, Chairman CONYERS, Judiciary Ranking Member LAMAR SMITH and Congressman SENSENBRENNER, Congressman FORBES, and Congressman COBLE for their work and leadership on this legislation.

I urge my colleagues to support the Second Chance Act of 2007.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 1593, I am pleased we are considering this legislation today.

The fact is this bill will save taxpayers money by breaking the expensive cycle of sending people back to prison. This bill authorizes \$65 million in fiscal year 2008 for Department of Justice, DOJ, grants to boost programs that provide newly released prisoners with housing, drug treatment, counseling, job training and literacy and education services.

The bill would improve residential drug treatment programs and follow-up care, and would expand family-based treatment centers. It would also authorize the Bureau of Justice Statistics to study substance abusers' re-entry into society.

Our goal needs to be helping offenders successfully re-enter society. According to DOJ statistics, nearly two-thirds of those released from prison are likely to be re-arrested within 3 years. This is troubling, but the good news is Congress has recognized the problem and is implementing an innovative strategy to address it.

Mr. Speaker, I urge support of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1593, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

## PROTECT OUR CHILDREN ACT OF 2007

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3845) to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2007" or the "PROTECT Our Children Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

### TITLE I—SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

- Sec. 101. Establishment of special counsel for child exploitation prevention and interdiction.
- Sec. 102. Establishment of National ICAC Task Force Program.
- Sec. 103. Purpose of ICAC task forces.
- Sec. 104. Duties and functions of task forces.
- Sec. 105. National ICAC Data Network Center.
- Sec. 106. ICAC grant program.
- Sec. 107. Authorization of appropriations.

### TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

- Sec. 201. Additional regional computer forensic labs.
- Sec. 202. Additional field agents for the FBI.
- Sec. 203. Immigrations and customs enforcement enhancement.
- Sec. 204. Combating trafficking via the United States Postal Service.
- Sec. 205. Accountability provisions for child exploitation prevention and interdiction.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Internet has facilitated the growth of a multi-billion dollar global market for images and video of children being sexually displayed, raped, and tortured, far exceeding the capacity of law enforcement to respond at the Federal, State, and local level.

(2) The explosion of child pornography trafficking is claiming very young victims. Research by the Department of Justice, the University of New Hampshire, and the National Center for Missing and Exploited Children indicates that among those arrested for possession of child pornography, 83 percent have images of children 6-12 years old, 39 percent have images of children 3-5 years old, and 19 percent have images of children under the age of 3 years old.